



CITY COUNCIL STAFF REPORT

MEETING DATE: NOVEMBER 6, 2013

Agenda Item # 16

Prepared/Approved
By:

A blue ink signature of the Deputy City Clerk.

Deputy City Clerk

Submitted By:

A blue ink signature of the City Manager.

City Manager

ADOPT ORDINANCE NO. 2093 NEW SERIES, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADOPTING A PRECISE DEVELOPMENT PLAN FOR A PROJECT NAMED "HUNTINGTON SQUARE" WHICH WILL SUPERSEDE THE DEVELOPMENT PLAN ESTABLISHED UNDER ORDINANCE 2052 FOR THE USA PROPERTIES "PAVILIONS AT MAIN" PROJECT (APNS 726-51-001 THRU 049, 726-15-001)

RECOMMENDED ACTION(S):

Waive the Reading, and **Adopt** Ordinance No. 2093 New Series, and **Declare** that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.

EXECUTIVE SUMMARY:

On October 16, 2013, the City Council Introduced Ordinance No. 2093, New Series, by the Following Roll Call Vote: AYES: Carr, Constantine, Librers, Siebert, Tate; NOES: None; ABSTAIN: None; ABSENT: None.

Per the change the City Council made when introducing the ordinance, Section 5, item 4 has been changed to read as follows:

"The front yard setback along Main Ave. shall be a maximum of 20 feet"

FISCAL IMPACT:

None.

ATTACHMENTS:

1. Ordinance No. 2093

ORDINANCE NO. 2093, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADOPTING A PRECISE DEVELOPMENT PLAN FOR A PROJECT NAMED "HUNTINGTON SQUARE" WHICH WILL SUPERCEDE THE DEVELOPMENT PLAN ESTABLISHED UNDER ORDINANCE 2052 FOR THE USA PROPERTIES "PAVILIONS AT MAIN" PROJECT. (APNS 726-51-001 THRU 049, 726-15-001)

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

- SECTION 1.** The proposed zoning amendment (ZAA-07-01A) is consistent with the Zoning Ordinance and the General Plan. The site is physically suitable for the type and the density of development proposed. The proposed development implements the General Plan goals of an orderly and efficient pattern of development and to provide a variety of housing types and densities to all residents.
- SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code. The proposed project will not be detrimental to the public welfare, will be in the best interests of the City and will be in keeping with the general intent and spirit of the zoning regulations of the City of Morgan Hill, with the City of Moran Hill General Plan and with any applicable plans adopted by the City.
- SECTION 3.** On July 18, 2007, the City Council adopted a Mitigated Negative Declaration ("MND") for the project (Applications: EA 06-29, SD 06-11, DA 06-05, ZA 07-01, SR 07-07). This zoning amendment application (ZAA-07-01A) proposes only minor changes in that approved project (ZA-07-01), including a 10-unit reduction in the total number of units, higher density, increase in the number of parking spaces, increase in common open space area, increase in perimeter setbacks, and increased amenities. Based on an analysis of the project changes, it is determined that none of the conditions set forth in Section 15162 of the California Environmental Quality Act (CEQA) Guidelines exist in that the proposed changes in the project: 1) are not substantial, 2) would not require major revisions to the adopted MND, 3) would not cause new significant environmental effects or a substantial increase in the severity of previously identified significant impacts, and 4) that the mitigation measures proposed in the adopted MND are still feasible and effective in substantially reducing the environmental effects identified.

SECTION 4. The City Council hereby finds that the proposed adoption of the amended Precise Development Plan is consistent with the criteria specified in Chapter 18.18 and 18.30 of the Morgan Hill Municipal Code. The plans proposed present a unified and organized arrangement of buildings, which are appropriate in relation to adjacent or nearby properties. The exceptions granted from the base D-R4 Downtown High Density Residential zoning district setback standards are warranted by the provision of amenities within the general development plan in accord with adopted policy of the City Council.

SECTION 5. The City Council hereby approves the Precise Development Plan with the following conditions, as recommended by the Planning Commission, to be satisfied prior to architectural and site review approval.

1. The plans shall be revised to provide a more open and enhanced treatment of the project nearest the corner of E. Main Ave. and Butterfield Blvd. given its urban design prominence and importance, possibilities include, but are not limited to, increased setback, reduce height, remove the patio wall, a berm, etc.
2. The quality, materials and detailing of the building architecture shall meet or exceed the 2009 Downtown Specific Plan design guidelines.
3. The plans shall be revised to require open decorative fencing with landscape screening along the project boundary adjacent to the railroad tracks.
4. The front yard setback along Main Ave. shall be a maximum of 20 feet.
5. Granada Lane and Lewis Lane shall be connected to allow vehicular/EVA circulation and shall have one 'street' name.

SECTION 6. The City Council hereby approves the Precise Development Plan as contained in that certain series of documents date stamped October 4, 2013, on file in the Community Development Department, entitled "Huntington Square-City Ventures" prepared by Hunt Hale Jones Architecture and Planning. These documents, as amended by site and architectural review, show the location and dimensions of all proposed buildings, vehicle and pedestrian circulation ways, recreational amenities, parking areas, landscape areas and any other purposeful uses on the project.

SECTION 7. The approved project shall be subject to the following condition:

Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of development projects for the purpose of defraying all or a portion of the cost of public facilities related to development projects (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, or fees collected (a) under development agreements, (b) pursuant to agreements with the Morgan Hill Redevelopment Agency or (c) as a part of applications for development allocations under the City's Residential Development Control System. The Mitigation Fee Act Fees applying to projects are listed in the schedule of fees. Notice is also hereby given that there is opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval or

conditional approval of a development project and that the 90-day approval period for a protest begins with project approval by the City Council. This right to protest does not apply to voluntary Residential Development Control System fees.

SECTION 8. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 9. Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 16th DAY OF OCTOBER 2013, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 6th DAY OF NOVEMBER 2013, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS: None
ABSTAIN: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None

ATTEST:

APPROVED:

IRMA TORREZ, City Clerk

STEVE TATE, Mayor

❧ CERTIFICATION ❧

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2093, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the 6th day of November 2013.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk

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